UNITED
NATIONS

E

Economic and
Social Council

Distr.
GENERAL

E/CN.4/2001/SR.35
11 September 2001

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Fifty-seventh session

PROVISIONAL SUMARY RECORD OF THE 35th MEETING

Held at the Palais des Nations, Geneva,
on 4 April 2001, at 10 a.m.

Chairperson: Mr. ESPOUY (Argentina)

CONTENTS

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (*continued*)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE. *0102450*

ENG

The meeting was called to order at 10.10 a.m.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 10) (*continued*) (E/CN.4/2001/8, 10, 49-53, 54 and Add.1 and Corr.1, 55 and Add.1, 56, 57, 62 and Add.1-2, 123 and 148; E/CN.4/2001/NGO/1, 4, 14, 15, 26, 30, 58, 60, 63, 80, 82, 103-106, 108, 109, 125, 131, 148, 154, 166 and 186; E/CN.4/Sub.2/2000/13, E/CN.4/2000/33)

1. Ms. LIZIN (Independent expert on the question of human rights and extreme poverty), stressing the importance of the comments made the previous day, particularly those by the representatives of the European Union, Madagascar, Pakistan and Cameroon, and by the representative of the World Bank, who had analysed the role of that institution in the fight against poverty, said that she hoped that the analysis initiated would be continued and that the International Monetary Fund (IMF) would follow the World Bank's example.

2. Several non-governmental organizations (NGOs) had mentioned the importance of inheritance rights and land rights in general, especially for women. That issue would be taken up in detail in the report to be presented at the fifty-eighth session.

3. She thanked the Holy See for introducing the human element into its analysis of extreme poverty, a question that could not be dealt with in quantitative terms alone. She also stressed the importance of the comments made by the International Save the Children Alliance and the International Alliance of Women.

4. Finally, she drew attention to the role played by the International Movement ATD Fourth World in establishing guidelines for the fight against poverty and hoped that the final resolution adopted on that question would take account of those guidelines.

5. Mr. ZIEGLER (Special Rapporteur on the right to food) said that he thanked all those who had offered criticisms or suggestions on his report or who had expressed their support. He made special mention of the comments by the representatives of the European Union, Switzerland, Algeria, the Food and Agriculture Organization of the United Nations (FAO), the World Food Programme (WFP), the International Committee of the Red Cross (ICRC) and several NGOs, and assured them that their opinions would be taken into account.

6. His report had drawn criticism from the representative of the World Bank, who had spoken of a "lack of analytical rigour". He could not accept such a judgement. He pointed out that his role as Special Rapporteur was very different to that of a high-level economist representing the World Bank. His task was to reflect the concerns of civil society represented by NGOs and to bring those concerns to the attention of the international community. Some NGOs, such as Action against Hunger, took a position very different from that of the World Bank.

7. Summing up, he said that for NGOs there were two main contradictions between the Bretton Woods institutions and the other organizations in the United Nations system. The first contradiction was between WFP and IMF. While WFP provided food for 89 million human beings, IMF imposed upon countries structural adjustment programmes that imposed unacceptable criteria, such as increasing the number of plantations for the purpose of export so as to increase foreign exchange revenue and improve debt service. In some specific instances, IMF had contributed through its structural adjustment programmes to increasing undernourishment and even malnutrition. In that context, he mentioned the report on Zambia, which had been presented during the recent Third Expert Consultation in Bonn in preparation from the upcoming Rome Summit.

8. The second contradiction stressed by NGOs was between FAO and the World Trade Organization (WTO). FAO performed outstanding work in developing agriculture, whereas, for reasons of a structural nature, WTO unthwarted the effects of FAO's policy by accepting that industrialized countries should close their markets to exports from countries of the South, subsidize their own food exports to the South or provide considerable support for their own farmers. In that way too, WTO served to generate hunger in the world. That contradiction had been demonstrated by the work of several social movements.

9. He stressed the absolute necessity for cooperation with the Bretton Woods institutions. As the representative of Algeria had rightly pointed out, official development assistance (ODA) had dropped by 500 million dollars in the space of nine years. At the start of the year, the United Nations Conference on Trade and Development (UNCTAD) had published two reports indicating that aid by rich countries had decreased by 45 per cent in the previous ten years. At the same time, private investment in the 49 poorest countries had decreased by 32 per cent. Because of the reduction in investments and ODA, the Bretton Woods institutions had come to play a major role for those countries.

10. By adopting the previous year resolution 2010, establishing the right to food, the international community had recognized it as a basic right. Only the Bretton Woods institutions would be in a position in future to set the conditions for the granting of funds. It was therefore up to them to make the right to food an essential element of conditionality. In its dealings with developing countries, IMF should make recognition of that right a basic condition for granting the funds needed by those countries.

11. Mr. QURESHI (Afro-Asian People's Solidarity Organization), referring to the economic and social conditions prevailing in many developing countries such as Pakistan, Bangladesh, Indonesia, Sudan, Ethiopia and Afghanistan, said that the economy of those countries was in such poor health that they could not devote adequate resources to social development. According to the Human Development Report of 1999, illiteracy among women in Asian and African countries was very high: in Pakistan some 32.25 million women had never attended school. There was also a problem of bonded labour in South Asia. According to the International Labour Organization (ILO), there were several million bonded labourers in Pakistan, especially in the provinces of Sindh, Punjab and Baluchistan. The laws were ineffective to deal with the problem because employers and the majority of landowners had a powerful influence in political and economic circles. The ruling class in Pakistan was composed of the élite of Punjab, the only province to reap the benefits of prosperity. Poor people from other regions had to go to cities in Punjab to work and barely earned one US dollar for a ten-hour day.

12. In a society with such glaring inequalities, where the rich were immensely rich and the poor were desperately poor, economic, social and cultural disparities were firmly entrenched, which gave little hope that the most disadvantaged could enjoy their economic, social and cultural rights, let alone their civil and political rights.

13. Referring to the cultural rights of linguistic minorities in pluralistic societies, he said that in Pakistan Sindhi, the language spoken in Sindh, had been marginalized to such an extent that its survival was threatened. The State-controlled media provided less than half an hour a day of Sindhi broadcasts. Schools were systematically shut down throughout the province, especially in urban areas, thus widening the gap between rural and urban populations, a gap which had been a central factor in many social conflicts in the province, resulting in the deaths of tens of thousands of people. Federal policies had only increased the divide between rural and urban areas. Furthermore, the State was engaged in pan-Islamic propaganda, which systematically threatened Sindhi Sufi thought, a more secular tradition than orthodox Islam. The suppression of Sindhi culture and the

dominance of a State-imposed way of life had created a sense of hopelessness among the Sindhi people. The Commission should insist that the Government of Pakistan recognize the right of the Sindhi people to their own language.

14. Mr. YANGKEY (International Fellowship of Reconciliation) said that he welcomed China's ratification of the International Covenant on Economic, Social and Cultural Rights but remained concerned at its reservation on article 8 of that Covenant. The right to form and join trade unions was closely linked to the right to freedom of association. Like the right to strike, it was a fundamental right for workers and should be fully respected.

15. Since China invaded Tibet in 1949, the Tibetan people had repeatedly been victims of deliberate violations of their economic, social and cultural rights. From 1949 to 1976, for example, at least 6,000 monasteries, convents and centres of Tibetan education had been destroyed. Agricultural policies based on wheat production instead of traditional barley had resulted in widespread famine in the 1960s. The forests of eastern Tibet, now incorporated into Sichuan province, had been intensively exploited and the State-owned logging companies had cut more than 120 million cubic metres of wood, generating over 2 billion yuan (US$ 241 million) in taxes and profits. Half of Tibet's ancient forests had been largely clear cut and the timber sent to China, which had polluted the main rivers of Asia and caused annual flooding in downstream regions. The situation was all the more dramatic since ten major rivers had their source in Tibet. They and their tributaries played an essential role in the life of 47 per cent of the world population and 85 per cent of the population of Asia. The flooding of the Yangtze river in 1998 and 1999 had affected more than 240 million people and caused thousands of deaths. The waterways of Tibet were polluted by chemical, nuclear and industrial waste: in 1996, 41.6 million tonnes of liquid waste had been discharged into the Kyichu river in Lhasa. Scientists had shown that the environment of the Tibetan Plateau affected global jet streams and hence the world weather patterns. Water pollution, nuclear waste, degradation of grasslands, extinction of wildlife, desertification, soil erosion and landslides were the result of China's presence in Tibet.

16. As far as Tibetan cultural rights were concerned, the literacy rate among children was only 25 per cent and young Tibetans were left in complete ignorance of their culture, religion and history. Female prostitution was on the increase in Lhasa. Chinese enjoyed better recruitment prospects and literacy in Chinese was a prerequisite for most jobs, hence the increase in unemployment among Tibetans.

17. A World Bank project aiming at reducing poverty in western China called for the resettlement of a large number of Chinese in a Tibetan area. The project had caused an outcry and had not been approved. However, China included 2.5 million square kilometres of Tibetan territory in its "western development programme". There was a proposal for a pipeline to carry natural gas from Tibet to China, which would be of benefit only to the Chinese. Foreign investments and partnerships would play a vital role in that development policy, whose aim was to exploit Tibet's untapped natural resources for China's exclusive benefit, and for that reason the policy was vigorously opposed.

18. Ms. FARHA (Centre on Housing Rights and Evictions) said that Commission resolution 2000/13 entitled "Women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing" was a landmark resolution for women. The right to property, adequate housing and inheritance was essential to the livelihood and survival of women and of whole communities. How could a woman provide for herself and her children if access to property, housing and inheritance was made so difficult, if not impossible? Her organization therefore urged the Commission to reaffirm the resolution and to strengthen its provisions. The resolution was based on three principles. First, the right to adequate housing was a right recognized

in international human rights instruments. Second, under international law States were required to protect women against all forms of discrimination. Third, the Commission should continue to refer to resolutions adopted by the Commission on the Status of Women and other relevant Economic and Social Council organs. The draft resolution sponsored by Mexico took account of those three principles and she therefore urged the Commission to adopt it.

19. Her organization also recommended that the Commission adopt the draft resolution on the right to adequate housing sponsored by Germany, the draft resolution on the right to food sponsored by Chile and the draft resolution on the right to education sponsored by Portugal. It also asked the Commission to ensure that those resolutions took account of the perspectives and experience of women.

20. Finally, it urged the Commission to recommend the convening of an open-ended working group to draft the optional protocol to the International Covenant on Economic, Social and Cultural Rights.

21. Mr. WAIDANDEY OLIVER (World Federation of Trade Unions) said that democracy was the only system capable of creating the structures required to ensure quality of opportunity for all without discrimination. Unfortunately, there were political systems in the world that invoked religion, for example, as a pretext for reducing some segments of society to second-class citizens, preventing them in particular from exercising their economic rights. Now that colonial systems, which gave rise to injustice, had been abolished, some societies were creating political classes that perpetuated the inequalities of the past instead of promoting equality and social mobility.

22. There were two countries that had made considerable progress in that area. The United States of America, recognizing the importance of measures to help disadvantaged groups, had contributed a good deal to improving the lot of minorities. India, the speaker's own country, had fought since its independence to ensure social equality for all, as exemplified by the empowerment of the Dalits, his own caste. In spite of the lacunae in the implementation of the programmes, India had indubitably succeeded in achieving progress in society and increasing social mobility and equality of opportunity for some previously oppressed groups.

23. The cultural heritage of the various social groups represented an enrichment for all. Unfortunately, the fundamentalism that predominated in some countries aimed at homogenizing society, prohibiting entire communities—as in the case of the Ahmediyas in Pakistan—in Pakistan—from pursuing their way of life. The same intolerance prevailed in Afghanistan, where the Taliban were destroying the vestiges of an ancient culture.

24. It was essential to protect the right to diversity and, in that connection, to guard against the tendency by the international community to lump different issues together. It was not by labelling everything racism that the fate of the Dalits in India, the Roma, or the Hutus or Tutsis of Africa would be improved. Education and awareness were the only way to end discrimination. Each individual State should identify the type of programme required for that purpose, while the international community should determine whether nations that professed democracy actually possessed the constitutional, legal and institutional structures to ensure equality.

25. Mr. RICKARD (Robert F. Kennedy Memorial) said that he was very concerned at the denial of the right to education in the occupied Palestinian territories. As the High Commissioner for Human Rights had noted in the report of her visit to those territories, more than 40 Palestinian schools had been closed or were unable to operate owing to curfews or closures. Israel had the right to ensure its security, but that right did not authorize it to take action whose consequences were so damaging to Palestinian children. Curfews should be imposed only in extreme circumstances and never as a

punitive measure. Israel, which had ratified the International Covenant on Educational, Social and Cultural Rights, should take every possible measure to ensure that the right to education of Palestinian children was respected. For its part, the Palestinian Authority should ensure that corruption and cronyism did not interfere with the exercise of that right.

26. Discriminatory practices in education were rampant in other parts of the world. For example, although the Indian Constitution called for free and compulsory education for all children up to the age of 14, children belonging to the Dalit caste were subject to flagrant discrimination, with the result that the illiteracy rate was much higher among the Dalits than in the remainder of the population. Dalit children left school earlier than others in part because they had to work to supplement the family income, but also because they were ill-treated by teachers and fellow pupils. Moreover, recent budgetary allocations demonstrated that India was more interested in higher education than in primary education or literacy among the poorest of its citizens. The Dalit community was the first to suffer from that state of affairs. His organization called on the Indian Government and on other governments with Dalit populations to respect the right of education for all citizens, as demanded by the International Covenant on Educational, Social and Cultural Rights. It also stressed the need for an optional protocol to that Covenant and urged Member States to join the Government of Portugal in recommending the establishment of an open-ended working group to draft such a protocol.

27. Mr. SECADE (Centro de Estudios Europeos) said that WTO eulogized neo-liberal globalization and joined forces with IMF and the World Bank in suppressing anything that stood in the way of world domination by transnational companies. Developed countries used the human rights issue to restrict access by developing countries to their markets and new technologies, to cut back development aid and to exert pressure on those countries to open up their own markets. The way in which industrialized countries applied intellectual property agreements was contrary to the right to life and the right to food of millions. By asserting intellectual property rights, they prevented developing countries from making generic drugs to fight the AIDS pandemic. His organization believed that the Commission on Human Rights should adopt a resolution clearly stating that human rights had absolute priority over intellectual property rights. It should ask the United States of America to withdraw the complaint against Brazil that it had registered with WTO and should demand that the 39 international pharmaceutical laboratories refrain from taking legal action against South Africa.

28. His organization welcomed the working paper drafted by Mr. Bossuyt on the deplorable consequences of economic sanctions on the enjoyment of human rights. It confirmed that the blockade of Cuba by the United States for more than 40 years was a violation of the basic rights of Cubans and showed that such practices were contrary to the sovereign rights of the targeted countries. All countries should be aware of the consequences for the civilian population of coercive measures, whether multilateral or unilateral.

29. His organization had been surprised by the paper distributed by Pax Christi International concerning the human rights situation in Cuba. It regretted that that organization had let itself be manipulated by its section in the Netherlands which, in 1996, had agreed to collaborate with the United States of America in establishing a European non-governmental platform aimed at hindering the development of cooperation between Europe and Cuba.

30. Mr. HILMAN (Netherlands Organization for International Development Cooperation) said that the slowness of economic recovery in Indonesia was due to two interrelated factors: the plunge in the rupiah exchange rate and the lack of public confidence in the Government. The Government had tried to relaunch the economy by soliciting additional loans from IMF and the World Bank but had paid no attention to the absence of social justice and respect for human rights in Indonesia.

Violations had remained unpunished in East Timor and Aceh province, while other violations continued to be committed in other regions. Corruption and rivalry between the legislative and executive branches exacerbated political tensions and jeopadized Indonesia's stability.

31. The Indonesian Government had little interest in citizens' rights, particularly their economic and social rights. Workers were not protected against unethical dismissal. The health of women and children was deteriorating because of the lack of care facilities, due in turn to a reduction in the health budget. The cuts in the education budget had also increased the school drop-out rate. The crisis situation had particularly serious consequences for women, Indonesia being based on a patriarchal society. Those who tried to defend their economic rights, in particular the right to a decent standard of living, were severely punished by the Government.

32. For that reason, his organization called on the Commission to urge the Indonesian Government to ratify the International Covenant on Economic, Social and Cultural Rights immediately and to scrupulously respect the rights enshrined in it; to pay particular attention to the impact of economic restructuring on the exercise of economic and social rights; to take specific action to combat impunity and corruption and to put an end to human rights violations in conflict areas and the workplace; and to seek solutions to restore stability to the country, regain public confidence and ensure respect for the Indonesian people's economic, social and cultural rights.

33. Mr. RAJKUMAR (Pax Romana) said that macroeconomic policies had a different impact on men and women, with women being the principal victims of financial crises and policies that reinforced inequalities. As the Independent Expert Mr. Cheru pointed out in paragraph 35 of his report (E/CN.4/2001/56), desired social and human rights objectives, such as equity or meeting basic needs, needed to be central to macroeconomic policy-making if a people-centred development or rights-based approach to development was to be promoted. As for the right to food, in his report (E/CN.4/2001/53) Mr. Ziegler, Special Rapporteur on the right to food, had identified seven major economic obstacles that hindered or prevented the realization of that right. Member States should revisit their policies if they wanted to regain food sovereignty, and multilateral institutions needed to reaffirm their commitment to the realization of economic, social and cultural rights.

34. A number of studies on the links between trade liberalization, food security and poverty had shown that there would be more losers than winners under globalization. The WTO Agreement on Agriculture, signed in 1994, and the World Bank's structural adjustment programmes had led a number of countries of the South and countries in transition to make significant changes in their food and agricultural policies, such as privatization of enterprises, the elimination of subsidies and the removal of price controls. Women, who produced 60 to 70 per cent of food in most African countries, had suffered considerably from the elimination of subsidies and the increase in food imports as a result of trade liberalization.

35. The growing number of homeless persons was another issue that deserved the full attention of the international community, because such persons could not in most cases exercise their civil rights, nor could they seek work, send their children to school or enjoy a harmonious family life. Furthermore, the most disadvantaged members of society, especially the homeless, were exposed to discrimination and violence, particularly on the part of the State.

36. Pax Romana had taken note of the report by Ms. Ouhachi-Vesely (E/CN.4/2001/55) on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes. The report, which showed the ugly face of globalization, indicated that better global governance and more challenging global ethics were required in managing the environment.

37. Pax Romana approved all of the recommendations proposed by the various Special Rapporteurs and Independent Experts and hoped that they would continue their cooperation with multilateral and international bodies so as to promote sound macroeconomic practices and policies.

38. Mr. DEFAGO (International Movement of Apostolate in the Independent Milieus (MIAMSI), calling for good governance for the whole of humanity, said that he wished to join forces with all those internationally engaged in improving management of the planet. The international community should allow civil society, particularly where it represented the poorest groups, to participate in the quest for the common good. For that to happen, politics had to regain its precedence over economics. Globalization, which was an inescapable phenomenon, had serious consequences, caused dissatisfaction and, above all, produced silent suffering among vast numbers of people. Market dynamics had been shown to be efficient at producing greater wealth but unable to distribute it fairly. As indicated in document E/CN.4/2001/NGO/26, the members of MIAMSI wished to build a world in which there was more solidarity and would not be content to abandon their responsibility to economic mechanisms in the grip of finance. They could not have a clear conscience when world riches were increasing while the poor were becoming ever more numerous.

39. MIAMSI wondered how economic, social and cultural rights could be respected when WTO took decisions that failed to take account of the fact that States had ratified the conventions which enshrined those rights. In view of the pernicious effects of globalization, MIAMSI called for respect for economic, social and cultural rights and the right to development.

40. It regretted that the reports by the United Nations Development Programme (UNDP) and by experts on that issue had remained a dead letter and called on the Commission to recommend to the Economic and Social Council that it set up an open-ended working group and appoint a special rapporteur to deal with the issue of good governance.

41. Mr. PROVE (Lutheran World Federation) said that there was a widespread assumption that economic interests should prevail over all other considerations. That assumption was incorrect, as had been demonstrated by the practically unanimous condemnation of the decision by the Government of the United States of America to withdraw from the Kyoto Protocol and the outcry provoked by the attitude of pharmaceutical laboratories that tried to prevent South Africa and other developing countries from having access to low price to the drugs needed by their populations. It was therefore apparent that many governments refused to give absolute priority to short-term economic objectives at the expense of more fundamental priorities.

42. Although the basic rights of the most vulnerable communities had often been overridden in the name of economic liberalization, the injustice of that situation had now been recognized. That was not to suggest that liberalization and respect for human rights were necessarily mutually contradictory but rather to point out that human rights obligations were fundamental legal obligations and that the first responsibility of governments was to ensure that they were respected. Efforts should therefore be made to ensure that international economic policies were consistent with human rights obligations.

43. Economic globalization was not an end in itself. Economic policies should promote the achievement of objectives such as improving the standard of living or access to health care and education. All economic policies should take account of human rights obligations. At the present time, the economic sphere was all too often considered in isolation from all other spheres.

44. There were nevertheless some positive signs of an increasing preparedness on the part of some governments to consider the interrelationship between economic matters and human rights.

Mauritius, for example, had been the first country to introduce its human rights obligations into the WTO negotiations.

45. Human rights organizations should encourage that development. Particular mention should be made of the work undertaken by the Sub-Commission on the Promotion and Protection of Human Rights and the Committee on Economic, Social and Cultural Rights in addressing the human rights implications of economic globalization. It was apparent from the various reports presented to the Commission, in particular the reports by the Special Rapporteurs on the right to adequate housing, the right to food and the right to education respectively and the report by the Independent Expert on extreme poverty, that increasing attention was being given to the human rights implications of economic globalization. The various bodies responsible for ensuring respect for those rights should work together to define a credible and constructive approach to that issue.

46. Ms. BOWDEN (Liberation) said that rapid globalization of national economies led to economic and social injustices. The liberalization of markets was often at the expense of too many countries, which found themselves as a result excluded and marginalized. Poverty was growing and constituted a violation of human rights.

47. Peru, where over half the population earned less than a dollar a day, was one example. Another was Colombia, where the current conflict had its roots in the fact that peasants did not own land. The land belonged to a handful of major landowners, and there was a need for genuine agrarian reform that would give peasants the opportunity to cultivate alternative crops and thus protect biodiversity. The peace process in Colombia should be accompanied by capacity-building measures, sustainable development, humanitarian aid and social development.

48. Liberation was extremely concerned at the disastrous consequences of economic sanctions and embargoes placed on certain countries, such as Iraq and Cuba. Those most affected by sanctions were innocent people, especially the poor and, among them, women and children in particular.

49. It recommended that, in accordance with the commitments undertaken at the Millennium Summit, priority should be given to strategies to reduce poverty in the world, economic sanctions and embargoes should be lifted immediately, emphasis should be placed on basic human rights through education on the subject and capacity-building at a national level should be directed to the application of international human rights principles. As Commission resolution 2000/5 (E/CN.4/RES/2000/5) affirmed, the existence of widespread absolute poverty inhibited the full and effective enjoyment of human rights and rendered democracy and popular participation fragile.

50. Ms. LOPEZ (Colombian Commission of Jurists) said that her organization attached great importance to the adoption of an optional protocol to the Covenant on Economic, Social and Cultural Rights, which would put the Covenant on an equal footing with other treaties, strengthen the economic and social obligations of countries and provide victims with recourse in the event of violation of their rights in those areas. The workshop on the justifiability of economic, social and cultural rights, organized recently in Geneva by the Office of the High Commissioner in cooperation with the International Commission of Jurists with financial sponsorship by the Government of Finland, showed the interest of the international community in that issue. Given the evident failure by several countries to honour the commitments set forth in the Covenant, an optional protocol would have the effect of drawing attention to the seriousness of those commitments. The failures were particularly critical in Colombia where violation of economic, social and cultural rights was ever present and resulted in increased unemployment, grave deficiencies in the education system, which excluded 46.78 per cent of the school-age population, and a critical situation in the hospital sector.

51. Her organization appealed to the Commission to set up an intersessional working group to discuss that issue as an initial measure.

52. Ms. CROCKER (Human Rights Advocates), speaking on behalf of the Human Rights Advocates and Natural Heritage Institute, said that the Special Rapporteur was to be commended for her report on the adverse effects of the illicit movement and dumping of toxic and dangerous products and waste. There were a number of facts which, technically, were not covered by the Special Rapporteur's current mandate and yet posed serious threats to health. According to FAO, 30 per cent of pesticides sold in developing countries did not meet international standards. The United States Government had stated that the export of pesticides was beyond the mandate of the Special Rapporteur because it dealt with commercial goods and not hazardous wastes. In other words, according to that narrow interpretation, pesticides banned in the United States could be sold in developing countries in spite of the risks they presented to human health, in particular the development of young children. That was unacceptable. Moreover, the Special Rapporteur should be allowed to continue her investigation into the use of depleted uranium, especially during the Gulf War and in Bosnia. In the latter country, the cancer rate had increased by 300 per cent between 1995 and 1997.

53. Air and water contamination from chemicals had become a global phenomenon. One fifth of the world population lacked access to drinking water largely because of the dumping of toxic waste. At present, 8 million children died each year of diseases caused by water and air pollution. Moreover, industrialized exporting countries claimed the right to export hazardous waste for recycling, thereby exposing workers in the importing countries to health hazards. Unfortunately, the Basel Convention, because of its limitations, did not address the issue of hazardous wastes from the point of view of human rights and for that reason had remained largely ineffective.

54. Human Rights Advocates urged the Commission to reappoint a special rapporteur on that issue with a wider mandate encompassing the adverse health effects of illegal activities by transnational companies. It also recommended that a report be made on the implementation by governments of the Special Rapporteur's recommendations, including explanations of cases where the Rapporteur had been prevented from taking appropriate action. Finally, it would like the Special Rapporteur to carry out consultations on the development of a transnational code of conduct.

55. Mr. ARZUAGA (International League for the Rights and Liberation of Peoples) said that he denounced the seizure by a group of companies including Carlos Casado S. A. and Atenil S. A., which represented the Moon sect, of a large amount of land in Paraguay covering 5,700,000 hectares, an area larger than Switzerland. Under the pretext of conducting a vague "major development project", the said companies had stripped it of its resources and exploited the local labour of the municipality of Puerto Casado. The group's activities had resulted in the social disruption of the local community, its marginalization and the deterioration of its health, education and other infrastructures. Moreover, by virtue of a sales contract, ownership of the land occupied by the people had passed in its entirety to those companies. The people of Puerto Casado, through their elected representatives, had submitted a petition to the Congress of Paraguay requesting the expropriation of an area of less than 160,000 hectares considered to be of public utility and vital for the local population.

56. It was apparent to his organization that the Government of Paraguay had lost sovereignty over its own territory because of the demands placed on it by transnational companies. The lack of sovereignty had also been noted by the Paraguayan Episcopal Conference, which had called on the Congress of Paraguay and the Executive to act rapidly to defend the country against foreign transnational interests. The problem was not restricted to Puerto Casado but concerned the exercise

by part of the population of Paraguay of its right to self-determination in the economic, social and cultural spheres.

57. Mr. BEERMANS (International Movement for Fraternal Union Among Races and Peoples) said that he was concerned at the economic, social and cultural devastation suffered by the people of Jammu and Kashmir. Whereas Kashmiri society had always been multi-confessional, with Muslims, Hindus, Christians, Sikhs, Buddhists and members of other religions living together in perfect harmony for centuries, fundamentalist organizations using terrorism had engaged in a crusade or "jihad" against everyone who did not share their views. They had attacked the Hindus and then the Sikhs—35 Sikhs had been killed the previous February in southern Kashmir—the Hindus again and even moderate Muslims who preached tolerance and peaceful coexistence. His organization not only asked the Government of India and Pakistan to resume negotiations, as they had been urged by the Secretary-General during his recent visit to the two countries, but also called on the Government of Pakistan to stop encouraging terrorist groups operating in Kashmir.

58. Mr. SAFI (International Islamic Federation of Student Organizations) said that democracy, accountability and transparency were of little use to those who went hungry at the end of the day. There had been a flood of statements on the supposed benefits of globalization, but the reality was quite different: the prices of developing country exports were plunging, while their import price levels were soaring. Illiteracy was on the increase, and basic health care and water supply were lacking. Like other NGOs, his organization believed that the current international economic order was not only unjust but also unsustainable and morally bankrupt.

59. His organization was particularly concerned by the systematic violation of the economic, social and cultural rights of the people of Palestine and Kashmir, especially the latter, for whom the situation was particularly serious. No one could be unaware of the brutality with which the Indians were stifling all sentiments of freedom in Kashmir. Less well known were the economic hardships that the Kashmiris had to face as a result of the devastation caused by the Indian army. By deliberately burning thousands of homes, destroying crops and demolishing and desecrating holy places and cultural sites, Indian troops had systematically violated the economic, social and cultural rights of the local population. The Kashmiri people therefore appealed to the United Nations, in particular the Commission on Human Rights, to send a fact-finding mission to Indian-occupied Kashmir to determine the extent of the violations.

60. Mr. OZDEN (Europe—Third World Centre (CETIM)) said that the interdependence associated with globalization made it necessary to extend the scope of the optional protocol to the International Covenant on Economic, Social and Cultural Rights. In other words, any person or group whose rights as set forth in the Covenant had been violated should be able to invoke the protocol. It was not only States that should be challenged but also international financial institutions and transnational companies. His organization therefore supported the establishment of a working group to amend the draft protocol accordingly.

61. CETIM stressed the primacy of the right to life over the logic that enabled transnational pharmaceutical companies to make exorbitant profits. Together with the American Association of Jurists, it therefore called on the Commission to affirm the primacy of basic rights, in particular the right to life, over intellectual property rights and requested the United States of America to withdraw its complaint to WTO against Brazil and called on the 39 transnational pharmaceutical companies to abandon the action against South Africa concerning AIDS drugs. Those drugs should be available to the public. In fact, given the increasingly strong influence that transnational companies exerted on economically weak countries, their turnover exceeding the gross national product of the countries in question, it was essential to establish a limiting international legal framework to regulate and control the activities of those companies.

62. CETIM also drew attention to the African Growth and Opportunity Act (AGOA) which, on the pretext of helping 48 African countries, actually aimed at unilaterally installing the market economy throughout Africa without guaranteeing the opening up of the American market. Under that law, African governments would have to sell all public assets by privatizing them and accept the consequences in the form of large-scale redundancies, greater insecurity of working conditions and increased poverty. CETIM called on the Commission to examine whether the Act complied with human rights standards and to remind the United States of America of the need to respect economic, social and cultural rights and to comply with the Charter of the United Nations.

63. The G7 countries had not kept their promise to cancel the debt of at least 20 countries by the year 2000. Even worse, their initiative of debt relief for heavily indebted poor countries (HIPC) involved expenses that imposed a heavy burden on the candidate countries with their meagre resources. While sharing the view of the Independent Expert Mr. Fantu Cheru on that issue, CETIM supported the decisions of the Dakar Conference held from 11 to 17 December 2000, which called for the cancellation of the debt and the immediate cessation of structural adjustment programmes. Finally, it called on the Commission to support the establishment of a strategic programme for a different type of development that involved a radical change in policy, the strengthening of south-south cooperation and a focus on endogenous development.

64. Mr. OHMAR (Catholic Institute for International Relations) said that, in spite of the claim by the Myanmar military authorities that they had made forced labour illegal, it continued throughout Myanmar, particularly in the Karen, Karenni and Shan States, where the army was deployed in strength. According to the Federation of Trade Unions—Burma, at least 80,000 individuals, including women, children and elderly persons, had been forced to perform hard labour during the period from November 2000 to January 2001. In Karen State, many villages on a gas pipeline route had been forcibly relocated. Forced labour had been used for the construction of that pipeline. Moreover, the army was mobilizing villagers to carry ammunition and supplies to areas where military operations were taking place. While welcoming the talks between Daw Aung San Suu Kyi and the military authorities in Yangon, serious violations of human rights in Myanmar remained extremely worrying. As long as the civil war continued, it was useless to hope for the abolition of forced labour. His organization therefore called upon the Commission to encourage the State Peace and Development Council (SPDC), in other words the military government, to negotiate a nationwide ceasefire with all armed ethnic groups.

65. Mr. FERNANDEZ (International Organisation for the Development of Freedom of Education (OIDEL)), congratulating the Special Rapporteur on the right to education for her report and for her proposal to establish a legal database on the right to education, said that his organization had been endeavouring for several years to disseminate information on constitutional guarantees regarding the right to education. It was a matter of concern that there was so much ignorance of decisions on the right to education pronounced by the European Court of Human Rights and the highest judicial authorities in various countries.

66. Laws adopted recently by countries such as Germany, France and Spain took account of the interdependence of civil and political rights on the one hand and economic, social and cultural rights on the other.

67. The Commission on Economic, Social and Cultural Rights had adopted general observations on articles 13 and 14 of the Covenant, a world education forum had been held in Dakar in April 2000 and Mr. Mehedi, an expert from the Sub-Commission on the Promotion and Protection of Human Rights, had presented a number of reports on the right to education.

68. There still remained much to do to develop that right. In particular, there was a need to explore education as a cultural right, to carry out a detailed analysis of the different legal decisions in that area, to define indicators of the exercise of that right (OIDEL was considering that question in cooperation with Menéndez Pelayo International University and the Human Rights Institute of the University of Fribourg), to teach human rights in multicultural societies and to study the right to education as an essential cultural and economic factor in the light of the fundamental changes taking place in societies in the 21st century. Finally, OIDEL wished to propose to the Commission that a working group be set up for the purpose of meeting annually to discuss ways of overcoming obstacles to achieving the right to education. His organization would be willing to make an active contribution to such a project.

69. Mr. TAIBON (Society for Threatened Peoples) said that in centralist France the 4.5 million people who belonged to linguistic minorities (Occitans, Corsicans, Basques, Flemish, Catalans and Alsatians) were subject to severe discrimination. According to article 2 of the Constitution of 1958, there were no minorities in France and French was the only administrative language of the country, which meant that the other languages were de facto excluded from public life. Moreover the "Deixonne" law of 1951, which authorized the teaching of regional languages for one hour per week, was still not respected. According to the Euromosaic Report by the European Commission, all minority languages spoken in France with the exception of German were doomed, which was tantamount to cultural genocide.

70. To remedy the situation France would have to annul article 2 of its Constitution, apply without exception all the provisions of the European Charter for Regional or Minority Languages, take all necessary measures to ensure that minority languages were taught in schools in regions where minorities lived, promote the development of minority languages, in particular by supporting minority newspapers and the broadcasting of television and radio programmes in those languages, officially recognize place names, patronymics and first names used by minorities, authorize the use of minority languages in administrative documents and facilitate contacts by those minorities with other same-language communities in Europe.

71. Mr. BALTI (Tunisian Association for Self-Help Development and Solidarity (ATLAS)) said that his organization carried out development projects to improve the living conditions of people in poor rural zones, particularly the forest and mountain areas of northern Tunisia. The projects focused on supplying drinking water, building tracks, schools and dispensaries, and improving housing conditions. In its work to combat poverty, ATLAS cooperated with other bodies such as the National Solidarity Fund and the new National Employment Fund. The population was closely involved in the implementation of the projects, which were designed to foster self-sustaining development.

72. ATLAS was convinced that human rights were interdependent and indissociable and that their exercise could be ensured only within a framework of sustainable development. The international community should therefore redouble its efforts to eliminate poverty and counter exclusion, which affected such vast numbers of people while a minority accumulated wealth and power.

73. He welcomed the support that the General Assembly had given at its fifty-fifth session to the appeal by the President of Tunisia to set up a world solidarity fund, which would make it easier to fight poverty in the most disadvantaged regions of the world. Measures should also be taken to cancel or relieve debt, in accordance with each country's situation.

74. Moreover, the rich countries and United Nations organizations should support all initiatives aimed at enhancing human resources and familiarizing children, particularly those in developing countries, with the new communications and information technologies.

75. Finally, he called on NGOs to stand up for their common values and to urge governments to conduct policies in compliance with universal human rights principles.

76. Mr. PORET (Association of World Citizens) said that so far globalization had benefited multinational companies and the richest countries. In fact, the opening of markets and the end of protectionism had been a disaster for small farmers in developing countries. In southern India, for example, they had not been able to stand up to the competition from foreign products and no longer managed to sell their own products, to repay their debts and to meet the needs of their often large families. That year many had committed suicide. Multinational companies in the agro-industry were seeking to dominate the market from top to bottom and to oblige the public to consume their products and accept their way of thinking. Fortunately, peasant societies were responding under the guidance of courageous leaders like José Bové, who was not afraid to attack the symbols of capitalist society.

77. It was the logic of the market that explained why sorcerers' apprentices had attempted to transform herbivores into carnivores and animals with foot and mouth disease were not vaccinated because they would lose their market value for a time.

78. In industry and transport, companies that operated on the principle of profit at all costs put thousands of employees out of work while they earned huge profits and the salaries of their executives attained unbelievable levels. In Switzerland, for example, directors' salaries in the federal railways had doubled. Major economic forums such as the one in Davos provided an opportunity for people with widely diverging points of view to meet, but they were also a symbol of the domination of the capitalist world, which did not hesitate to brutally repress those who contested that domination. As a counterweight to such meetings, a forum of the poor had been organized in Brazil with the participation of representatives of the rural world and native American communities.

79. The potentially dramatic consequences of global warming did not appear to worry either the heads of oil companies or Mr. Bush, who had gone back on his electoral promises regarding implementation of the Kyoto Protocol.

80. Finally, referring to the situation in Afghanistan, he strongly criticized the scandalous denial of the rights of women in that country.

81. Mr. GONZALES (International Indian Treaty Council) said that traditional social systems, means of subsistence and cultural beliefs and practices of indigenous peoples formed their cultural identity and were essential for their survival.

82. His organization therefore welcomed the request by the Sub-Commission on the Promotion and Protection of Human Rights, in its resolution, document E/CN.4/SUB.2/RES/2000/14, that the High Commissioner should encourage studies with respect to "the rights to food and adequate nutrition of indigenous peoples [...], stressing the linkage between their present general situation and their land rights, and to develop further cooperation with FAO and WFP on indigenous issues".

83. Motivated solely by short-term financial gain, large companies infringed the rights of indigenous peoples and posed a threat to the knowledge that they had accumulated in the course of history. For example, seeds that had been developed over countless generations were in danger of being lost forever on account of practices by the agro-industry and biotechnology companies.

84. In violation of article 1 of the International Covenant on Economic, Social and Cultural Rights, according to which a people could not be deprived of its own means of subsistence, multinational

oil companies in north-east Alaska and north-west Canada represented a serious danger to the culture and food security of the Gwich'in people, since the exploitation of that region threatened to cause the extinction of the porcupine caribou species, which was an essential part of that nation's culture. Similar dangers threatened the Washoe indigenous people in California and Nevada, where a traditional holy place was in danger of being given over to tourists.

85. The International Indian Treaty Council urged States to protect the rights of indigenous peoples and asked the Special Rapporteur on the right to food to pay particular attention to the relationship of indigenous peoples to their traditional sources of food and subsistence.

86. Ms. LEGRAND (Fraternité Notre Dame) said that her organization worked for the most underprivileged on all continents without any distinction of class, race, sex or creed. Religious, cultural and linguistic minorities were oppressed by majority groups everywhere.

87. Even in States like France, which loudly proclaimed its commitment to democracy, the separation of Church and State, and freedom of religion and conviction, churches and other pressure groups waged a fanatical and unrelenting war on spiritual minorities and educational currents that were not in line with the prevailing ideas. For example, methods of teaching reading and writing, even if they had proved effective, had been banned by the authorities, which accounted for the record illiteracy rate in France.

88. Under the pretext of combating sects, some Catholics and politicians adopted a sectarian attitude towards those who did not think as they did and used intimidation, slander and blackmail to prevent minorities such as Fraternité Notre Dame from conducting their social and humanitarian activities. The procedures and techniques used were different from those of the Inquisition but the idea was the same.

89. In the countries where Fraternité Notre Dame had opened humanitarian missions, the churches appealed to their governments to preserve their privileges and ensure that the minorities were silenced.

90. Fraternité Notre Dame was committed to treating each human being with the same respect. It operated in various countries to help the distressed, street children, AIDS sufferers, prisoners, the sick and the homeless in a spirit of peace, charity and tolerance.

91. Ms. BELLAMY (International Confederation of Free Trade Unions (ICFTU)) said that globalization had eroded the power and authority of governments and that the world economy was now controlled by multinationals. While it was the task of the trade union movement to ensure that companies respected workers' rights, engaging in genuine dialogue with multinationals to that end, it was the responsibility of States to establish a democratic climate conducive to the development of stable and sustainable economic policies, to combat poverty, foster the creation of productive and decent employment, protect social gains, maintain essential public services, ensure respect for workers' rights in the informal sector, fight corruption and protect the environment.

92. The State was also called upon to promote employment that respected equality between men and women and guaranteed the health and safety of workers in their work place. They should also ratify the ILO Fundamental Conventions, particularly the Minimum Age Convention and Convention 182 on the Worst Forms of Child Labour, and ensure that they were respected, especially in free export zones where minimum labour norms were violated and where trade unions were all too often banned.

93. States should also cooperate with the private sector and civil society and with other governments at a regional level to enlarge their markets and foster export development. Regional integration should be encouraged by agreements such as the Cotonou Agreement, which provided for the participation of non-governmental actors including trade unions.

94. The trend towards declining development aid needed to be reversed. As for international financial institutions, ICFTU urged them to set themselves the goals of creating decent and stable employment, increasing investment in social programmes and ensuring respect for the right to food.

95. Governments should endeavour to strengthen coordination between United Nations bodies such as ILO and UNCTAD on the one hand, and the World Bank, IMF and WTO on the other, so that greater account was taken of the social needs and basic rights of workers in world trade.

96. In that context, international taxation of speculative transactions in foreign currencies would make it possible to collect funds that could be used to finance social programmes and combat diseases such as AIDS and malaria.

97. The Third United Nations Conference on the Least Developed Countries offered the opportunity to establish a genuine partnership that would enable all persons to assert their economic, social and cultural rights.

98. Mr. LABRADA ROSABAL (Centro de Estudios sobre la Juventud) said that it was only through culture and by reinforcing the identities of peoples in developing countries that the disaster caused by neo-liberalism could be confronted. The fight against poverty, which affected 1.3 billion people, against illiteracy, which affected one billion, and for access to primary education for all school-age children should be among the Commission's priorities.

99. Cuba, which could be proud of an education record comparable with that of the most developed countries, was being pilloried even though its pupils did not kill their school mates or their teachers, as was frequently the case in the United States of America.

100. Cubans did not intend to rest on their laurels, however. Cuba was currently training teachers so that primary school classes would have at least one teacher for 20 pupils. All school libraries had received new books and encyclopaedias. There were also plans to install 300 computer clubs for young people.

101. In Cuba, television was not used to encourage violence or sex, or to advertise products that only the rich could afford. It broadcast educational programmes in all subjects and at all levels. Furthermore, 14 training colleges for teachers of arts and social sciences had been set up, capable of training 4,000 young people per year.

102. Thousands of social workers worked with socially disadvantaged young people to ensure that they benefited from genuine equality in their professional and cultural opportunities. One objective of the revolution was to guarantee full employment. Those who accused Cuba could not say the same because only socialism could achieve that objective.

103. Cuba had given free higher education to more than 40,000 students from the poorest countries. More than 150,000 Cuban civilians had carried out missions in developing countries in a spirit of internationalism. Cuba was currently experimenting with a new method of teaching reading and writing skills by radio.

104. More than 300,000 young Cubans had fought in Africa against apartheid, for the independence of Namibia and for the triumph of Angola over the National Union for the Total Independence of Angola (UNITA). Many had lost their lives. In spite of their heroic attitude, there were still those who dared to claim that human rights were being violated in Cuba.

105. Cubans aimed to follow the motto of José Martí, which was "to be cultured in order to be free", because they realized that in the current situation, without culture there could be no revolution, independence or liberty.

106. Ms. SOUHUWAT (International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities) said that for two years the Indonesian army, supported by foreign mercenaries, had been waging a full-scale war against the people, both Christian and Muslim, in the South Moluccas. The war had an economic dimension in that the Indonesian army prevented the people from fishing, which was their main livelihood. Villages, hospitals, schools, universities and churches had been razed to the ground, half a million people had been displaced and tens of thousands had been killed during the previous 20 months.

107. The Indonesian army had done its best to set the two main religious groups against each other, after they had lived in harmony—until the army's arrival—in accordance with the covenant of cooperation known as Pela Gangung.

108. The international community should demand that the Government of Indonesia immediately withdraw its army and the foreign mercenaries whose presence fomented instability and should do everything possible to facilitate peace and cooperation between the different communities in the Moluccas.

109. Mr. GEBRID (World Federation of Democratic Youth) said that economic and trade sanctions, embargoes and blockades imposed on States were contrary to the core principles of the United Nations. In particular, he deplored the dreadful living conditions in which the Iraqi population found itself because of the unlawful sanctions that the Security Council, at the whim of the United States and the United Kingdom of Great Britain and Northern Ireland, had imposed on Iraq. His organization called on the Security Council to totally and unconditionally lift its sanctions against Iraq.

110. Similarly, the trade blockade imposed on the Republic of Cuba by the Government of the United States of America was one of the longest economic wars launched by a superpower against a poor developing country. That illegal and unilateral coercive measure was testimony to the arrogance of the United States of America, its aggressive nature and its complete disregard for the Charter of the United Nations and international law, including its own Constitution, which was based on the principles of liberty. His organization called on the Government of the United States of America to review its position on Cuba and to lift its genocidal blockade. By doing so, it would rejoin the ranks of civilized members of the international community.

111. In Zimbabwe, the difficulties experienced by millions of indigenous inhabitants because of the unjust land distribution inherited from the British Empire had resulted in acts of violence. The situation was complicated by the fact that wealthy white farmers had refused to sell land to the Government at a reasonable price for redistribution to landless Zimbabwean farmers. Nor had the British Government honoured its promise to compensate white farmers. His organization called on the international community to help the Zimbabwean people during the difficult time they were going through.

112. Ms. SHRESTHO (Women's International League for Peace and Freedom) said that her organization fully concurred with the conclusions of the Independent Expert on structural adjustment and foreign debt. The poverty reduction strategy paper perpetuated the failed policy of focusing on macroeconomic concerns to the detriment of social development and the realization of human rights. She drew attention to the fact that the negotiations conducted by WTO under the General Agreement on Trade in Services (GATS) would extend the scope of WTO's rules at a time when there had been recognition of the increasingly urgent need to reform that organization. Reform should precede negotiations to avoid perpetuating iniquities in international trade and increasing the marginalization of human rights in economic agreements. Most WTO member States were signatories to legally binding human rights treaties. In that context, her organization recalled its opposition to the provisions of the Multilateral Agreement on Investment (MAI) which, fortunately, had provoked an outcry within the international community. However, as investment was included in GATS as a service, the content of MAI was included and expanded in the former.

113. Her organization was also concerned by the fact that trade agreements signed under GATS were binding for a minimum of three years and that in the case of withdrawal or revision compensation needed to be negotiated with members, whose trade could be affected as a result. Countries could invoke major public interests in order to withdraw, but those interests did not explicitly include human rights. Her organization urged States to integrate their legal human rights obligations in trade negotiations.

114. She commended the Sub-Commission's Special Rapporteurs on globalization for their work and its special focus on the effect of globalization.The emphasis by developed countries on "commercial presence" over the "movement of natural persons" could be seen as discriminating against women, in that commercial presence applied in particular to the most qualified and thus excluded women, most of whom were in less qualified jobs.

115. For those reasons, her organization urged the Commission to seriously consider the relationship between human rights and economic policy, particularly in relation to GATS. The matter was urgent because the Agreement was due to be finalized by 2002.

116. Her organization called on the Commission to request the Sub-Commission to set up a working group on the effects of GATS on human rights. The Sub-Commission should also examine the relationship between the possible impact of GATS and States' human rights obligations. The Special Rapporteur on development and other special mechanisms under item 10 should also investigate the implications of GATS for human rights. Finally, she urged the Commission to encourage States to honour heir legal obligations in the area of human rights when entering into agreements with multilateral institutions.

The meeting rose at 1.15 p.m.